

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

FARMLAND PARTNERS INC.,

Plaintiff,

v.

FIRST SABREPOINT CAPITAL
MANAGEMENT, LP, SABREPOINT
CAPITAL PARTNERS, LP, SABREPOINT
CAPITAL PARTICIPATION, LP,
GEORGE BAXTER, DONALD
MARCHIONY, and JOHN/JANE DOES 1–
10,

Defendants.

Civil Action No. 3:21-CV-1305-D

**PLAINTIFF’S RESPONSE TO ORDER TO SHOW CAUSE AND NOTICE OF
REFILING ACTION IN STATE COURT**

Plaintiff Farmland Partners Inc. hereby responds to the Court’s order to show cause (ECF No. 15). Based on Plaintiff’s pre-suit inquiry into citizenship of the parties, including review of court filings and other public records, Plaintiff had no reason to believe that any Defendant shared citizenship with Farmland Partners. Accordingly, Plaintiff alleged that diversity of citizenship existed based on information and belief. *See Lincoln Benefit Life Co. v. AEI Life, LLC*, 800 F.3d 99, 107-09 (3rd Cir. 2015); *Carolina Casualty Ins. Co. v. Team Equipment, Inc.*, 741 F.3d 1082, 1087 (9th Cir. 2014); *BSG Clearing Solutions North America v. Durham Technology, LLC*, No. SA-17-CV-1097-XR, 2018 WL 6219812 at *3 (W.D. Tex. Nov. 20, 2018); *Bates Energy Oil & Gas, LLC v. Complete Oil Field Services, LLC*, No. SA-17-CA-808-XR, 2017 WL 8727480 at *2 (W.D. Tex. Aug. 30, 2017).

Following the Court's order, counsel for Farmland Partners asked counsel for Defendants to confirm this understanding by providing the relevant citizenship information. After investigating, counsel for Defendants informed Farmland Partners that Defendant Sabrepoint Capital Partners, LP's presence in this case defeats diversity jurisdiction, albeit without identifying a specific limited partner-investor that is a citizen of Maryland or Colorado.

Given this representation by counsel for Defendants, Farmland Partners is refiling this action in Texas state court rather than amending the complaint in this case to delete Sabrepoint Capital Partners, LP as a party, and thus dismissal of this action for lack of subject matter jurisdiction is warranted, consistent with the Court's order.

Dated: July 2, 2021

Respectfully submitted,

/s/ E. Leon Carter

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